

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7329

BILL NUMBER: HB 1634

DATE PREPARED: Dec 29, 2000

BILL AMENDED:

SUBJECT: Child Bicycle Safety.

FISCAL ANALYST: Sherry Fontaine

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a person who is less than 16 years of age to wear a properly fitted protective bicycle helmet when the person operates or is a passenger on a bicycle on a roadway or public bicycle path. The bill provides that a passenger on a bicycle must be either on a seat or in a restraining seat. It also provides that a failure to wear a properly fitted protective bicycle helmet or contain a small passenger in a restraining seat is a Class C infraction, the judgment for which is stayed if the operator acquires a protective helmet or restraining seat when ordered to do so by a court.

The bill prohibits the rental, lease, or sale of a bicycle to or for the intended use of an operator who is less than 16 years of age unless the person renting, leasing, or purchasing the bicycle shows possession of a protective helmet by the intended operator or acquires a protective helmet for the intended operator at the time of the rental, lease, or sale. It provides that the rental, lease, or sale of a bicycle to or for the intended use of an operator who is less than 16 years of age without the person renting, leasing, or purchasing the bicycle shows possession of a protective helmet by the intended operator or acquires a protective helmet for the intended operator at the time of the rental, lease, or sale is a Class C infraction. This bill also makes conforming amendments.

Effective Date: July 1, 2001.

Explanation of State Expenditures:

Explanation of State Revenues: If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: